



OFFICE OF THE POLICE COMMISSIONER  
ONE POLICE PLAZA • ROOM 1400

June 26, 2013

Memorandum for: Deputy Commissioner Trials

Re: **Police Officer Brian Drechsel**  
Tax Registry No. 938403  
Police Service Area No. 2/VIPER 7  
Disciplinary Case No. 2012-7777

GHAN

The above named member of the service appeared before Assistant Deputy Commissioner Claudia Daniels-DePeyster on March 28, 2013 and was charged with the following:

**DISCIPLINARY CASE NO. 2012-7777**

1. Said Police Officer Brian Drechsel, while assigned to the 106<sup>th</sup> Precinct, while on-duty, on or about March 19, 2012, in Queens County, did wrongfully and without just cause prevent or interfere with an official Department investigation, to wit: said Police Officer Drechsel divulged official Department business without authority or permission to do so.

**PG 203-10, Page 1, Paragraph 2(D)**

**PROHIBITED CONDUCT -GENERAL  
REGULATIONS**

2. Said Police Officer Brian Drechsel, while assigned to the 106<sup>th</sup> Precinct, while on-duty, on or about March 19, 2012, in Queens County, said Police Officer Drechsel was absent from said assignment without permission or police necessity, handling non-official business.

**P.G. 203-05, Page 1, Paragraph 2**

**PERFORMANCE ON DUTY  
GENERAL REGULATIONS**


3. Said Police Officer Brian Drechsel, while assigned to the 106<sup>th</sup> Precinct, while on-duty, on or about March 19, 2012, in Queens County, did fail and neglect to maintain proper Activity Log entries regarding activity for the day, as required.

**P.G. 212-08, Pages 1 and 2**

**ACTIVITY LOGS - COMMAND  
OPERATIONS**

In a Memorandum dated May 15, 2013, Assistant Deputy Commissioner Daniels-DePeyster found Police Officer Drechsel Guilty of Specification Nos. 1, 2, and 3 in Disciplinary Case No. 2012-7777. Having read the Memorandum and analyzed the facts of this matter, I approve the findings, but disapprove the penalty.

Police Officer Drechsel's actions jeopardized a Department investigation and could have placed civilians and members of the service in danger. Therefore, Police Officer Drechsel shall forfeit thirty (30) vacation days and he shall be placed on a one-year dismissal probation period, as a disciplinary penalty.



Raymond W. Kelly  
Police Commissioner



POLICE DEPARTMENT

May 15, 2013

MEMORANDUM FOR: Police Commissioner

Re: Police Officer Brian Drechsel  
Tax Registry No. 938403  
Police Service Area No. 2/VIPER 7  
Disciplinary Case No. 2012 7777  
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The above-named member of the Department appeared before me on March 28, 2013, charged with the following:

1. Said Police Officer Brian Drechsel, while assigned to the 106th Precinct, while on-duty, on or about March 19, 2012, in Queens County, did wrongfully and without just cause prevent or interfere with an official Department investigation, to wit: said Police Officer Drechsel divulged official Department business without authority or permission to do so.

P.G. 203-10, Page 1, Paragraph 2(D) – PROHIBITED CONDUCT GENERAL REGULATIONS

2. Said Police Officer Brian Drechsel, while assigned to the 106th Precinct, while on-duty, on or about March 19, 2012, in Queens County, said Police Officer Drechsel was absent from said assignment without permission or police necessity, handling non-official business.

P.G. 203-05, Page 1, Paragraph 2 PERFORMANCE ON DUTY  
GENERAL REGULATIONS

3. Said Police Officer Brian Drechsel, while assigned to the 106th Precinct, while on-duty, on or about March 19, 2012, in Queens County, did fail and neglect to maintain proper Activity Log entries regarding activity for the day, as required.

P.G. 212-08, Pages 1 and 2 ACTIVITY LOGS COMMAND OPERATIONS

The Department was represented by Javier Seymore, Esq., Department Advocate's Office, and Respondent was represented by Michael Martinez, Esq.

Respondent, through his counsel, entered a plea of Guilty to the subject charges. A stenographic transcript of the mitigation record has been prepared and is available for the Police Commissioner's review.

### DECISION

Respondent, having pleaded Guilty, is found Guilty as charged.

### SUMMARY OF EVIDENCE IN MITIGATION

Respondent, a seven-and-a half-year member of the Department, is currently assigned to Police Service Area (PSA) No. 2. Respondent was previously assigned to the 106 Precinct as a patrol officer. Respondent received a Command Discipline (CD) one time for missing court.

On March 19, 2012, Respondent was working at the 106 Precinct along with his partner Officer (Joseph) Brayuha. During Respondent's patrol that day, Sergeant (Ian) McCabe was the desk officer. McCabe asked Respondent and Brayuha to return to the command to go with a building inspector to look at a house that had an illegal apartment in a basement. Respondent was going to provide security for the building inspector, since it was unsafe. Respondent did not previously know of the job of providing security until McCabe had requested it.

Prior to heading out for the job, Respondent and Brayuha were waiting at the precinct for the building inspector to get off the phone and to give them the address. Sergeant (Stephen) Cafasso, the field intelligence sergeant, came down and asked



Respondent and Brayuha if they would accompany him to a location to sign up a Confidential Informant (CI). Cafasso had never asked Respondent to do anything like this type of job before. Cafasso gave Respondent and Brayuha the address and said that he would follow them over there. Respondent did not have any experience with CIs at that time.

Respondent and his partner went to the location with Cafasso. Inside the location, Respondent noticed four people standing around and recognized a couple of them as acquaintances of his wife. There was a male that Respondent did not recognize. However, Respondent recognized Person A's sister, Person A's mother, and Person A's mother's girlfriend, Person C. Respondent had seen these people at Lenny's Clam Bar before.

Person A had attended Respondent's wedding, but was not at the location. Prior to this date, Respondent did not have a relationship with Person A. Respondent's wife worked with Person A and interacted with her at Lenny's. Respondent's wife and Person A would talk every once in a while when they saw each other. Person A was dating Person B at the time. Respondent did not know if the two were married. Respondent did not know Person B at all, but may have spoken to him at the wedding because Person B came as a guest of Person A's. Through his discussions with his wife, Respondent heard that Person A and Person B argued a lot. Respondent and his wife never hung out with Person A or Person B alone.

When Respondent got to the location, Cafasso was dealing directly with Person C. Respondent did not hear what they were talking about, and could not see what was going on between them. Cafasso did not involve Respondent at all. Respondent assumed that

something had occurred between Person A and Person B, because they argued and fought a lot, and did not get along with Person C. Respondent called his wife, and told her that he was at Person A's mother's house. Respondent also told his wife not to hang out with anybody and not to go over to Person A's house. Respondent told this to his wife because he wanted to keep her safe and did not want her to get wrapped up in something that was going on. Respondent did not know if his wife ever went to Person A's house. Respondent's wife simply replied, "Okay."

After leaving Person C's residence, Respondent went to meet the building inspector at the other residence. However, by the time Respondent and his partner got to the building inspection residence, the building inspector had already left. Since Respondent did not have to help the building inspector, he drove to Lenny's Clam Bar down Cross Bay Boulevard. Lenny's Clam Bar was within Respondent's precinct, and he was allowed to go eat there if he was on meal. The drive was three to four minutes from the building inspection location. When Respondent saw his wife at the bar, he told her not to hang out with Person A or Person A's friends. Respondent decided to go to the bar to tell his wife this information in person, so that his wife "would know" that he was serious. Respondent did not want his wife to get hurt or injured.

Later that night, Respondent learned that his wife and Person A had already made plans to grab a slice of pizza. Respondent's wife told Person A some of Respondent's concerns. Respondent did not know that his wife was going to tell Person A the information, and he did not intend for Person A to know of his discussion with his wife.

Respondent was interviewed that night, and was informed that what he had disclosed to his wife had jeopardized a police operation. At the end of the interview,

Respondent was placed on modified assignment. Respondent handed over his gun and shield, and was reassigned to PSA 2.

To Respondent's knowledge, he and his wife did not have any further contact with either Person A or Person B. In retrospect, Respondent realizes that he should have immediately gone to a supervisor to voice his concerns. If he had a chance to do it again, Respondent would have just gone to a supervisor.

During cross-examination, Respondent admitted that when he went to visit his wife at Lenny's Clam Bar, he did not tell her not to disclose the information that he had told her. Respondent did not think he had to say anything to his wife regarding nondisclosure. Respondent also acknowledged that at no point while he was in Person C's residence did he ever think to speak to a supervisor. Even during the drive from Person C's house to the building inspection residence, Respondent did not think about calling a supervisor. Furthermore, during the drive from the building inspection residence to Lenny's Clam Bar, Respondent did not think about calling a supervisor. Lastly, after Respondent spoke to his wife, he did not think about telling a supervisor that his wife knew the individuals of Person C's residence, and that he told his wife not to hang around them.

#### PENALTY

In order to determine an appropriate penalty, Respondent's service record was examined. See *Matter of Pell v. Board of Education*, 34 N.Y. 2d 222 (1974).

Respondent was appointed to the Department on July 11, 2005. Information from his personnel record that was considered in making this penalty recommendation is contained in an attached confidential memorandum.



Respondent has pleaded Guilty to preventing or interfering with an official Department investigation, to wit: On March 19, 2012, Respondent divulged official Department business without authority or permission to do so. Respondent also pleaded Guilty to being absent from his assignment without permission or police necessity, handling non-official business on March 19, 2012; and failing and neglecting to maintain proper Activity Log entries regarding his activity for the day on March 19, 2012.

The Assistant Department Advocate asked for a penalty of the forfeiture of 30 vacation days and one year dismissal probation. At first glance of the Charges and Specifications pending against Respondent, this would seem like an appropriate penalty. However, following the testimony of Respondent and the factors that influence this case, the Court finds mitigating circumstances here.

For one, Respondent is a seven-year member of the Department who worked patrol duties. He testified that he had never worked in any narcotics bureau and was unfamiliar with what working with a CI really means. On the incident date, he just happened to be in the command when a supervisor asked him to accompany him to a location to get a signature from a CI. Once at the location, Respondent recognized people to be family members to his wife's co-worker, Person A. Respondent readily admits that it did not occur to him to bring this to the attention of his supervisor. Rather, his first thought was to warn his wife to stay away from her co-worker Person A and her family. It must be noted that by no stretch of the imagination was it intimated that Respondent called his wife in the hopes that she would communicate this information to any of the parties involved. There was no allegation Respondent or his wife was involved in any criminal activity. The only contact was that Respondent's wife worked



with Person A and has met her family and friends as a result. The irony was that the same day Respondent told his wife to stay away from Person A and the family; was the same day his wife had a date to meet Person A, and his wife revealed what she learned from Respondent to Person A. By divulging this information, a pending police investigation ended up being compromised.

Secondly, Respondent readily admits that after this, he drove to his wife's place of employment to reinforce what he said in person. He understood what it means to be a police officer and to not associate with criminals. He testified that he was only trying to protect his wife and he had no intention of jeopardizing a police investigation. Respondent made a good faith mistake in this instance. Respondent acknowledged that this visit, although brief, was for non-official business and it was not his meal hour and he should not have done this. Respondent also failed to make Activity Log entries as to his whereabouts on this day.

Thirdly, the Court notes that Respondent was immediately placed on Modified Assignment on the incident date. He has been without his gun and shield for a year. Respondent has had quite a bit of time to reflect on his mistake and showed contrition when testifying before this Court.

It is for these reasons that the Court finds mitigating factors and recommends that Respondent forfeit 30 vacation days to resolve all of the Charges and Specifications pending against him related to this incident.

Respectfully submitted,

*Claudia Daniels-DePeyster*  
*by M. Murphy*

Claudia Daniels-DePeyster  
Assistant Deputy Commissioner - Trials



POLICE DEPARTMENT  
CITY OF NEW YORK

From: Assistant Deputy Commissioner - Trials  
To: Police Commissioner  
Subject: CONFIDENTIAL MEMORANDUM  
POLICE OFFICER BRIAN DRECHSEL  
TAX REGISTRY NO. 938403  
DISCIPLINARY CASE NO. 2012-7777

Respondent received an overall rating of 4.5 "Above Highly Competent" on his annual performance evaluation for 2010. In 2011 he received a 4.0 "Highly Competent" and in 2012 he received a 3.0 "Competent," but it was a negative evaluation in that it was low in behavioral dimensions. Respondent has received no medals in his career to date.

[REDACTED]

Respondent has no prior formal disciplinary record and no monitoring records.

For your consideration.

*Claudia Daniels DePeyster*  
*by [signature]*  
Claudia Daniels DePeyster  
Assistant Deputy Commissioner Trials